

The preliminary hearing Order of the Administrative Law Judge should be affirmed. The Appeals Board agrees with the analysis and conclusion of the Administrative Law Judge that it is more probably true than not that claimant's right hip and low back were aggravated by his July 6, 1995 work-related accident when he was struck and knocked to the ground by a heavy construction form. In addition to claimant's testimony, one of claimant's treating physicians, Dr. Sheffer, believes the trauma that claimant experienced in that incident certainly could cause cartilaginous necrosis and produce the rapid arthritic

changes that now exist in claimant's right hip. Dr. Sheffer relied upon claimant's history that prior to his work-related accident his hip was asymptomatic but shortly afterwards claimant began to notice some minor pain which progressively developed in severity. In addition, the physician selected by the respondent, Dr. Ebelke, acknowledged in his records that claimant's preexisting spinal stenosis and degenerative spondylolisthesis could have been aggravated by the July 1995 accident.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Alvin E. Witwer dated May 22, 1996, should be, and hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 1996.

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BOARD MEMBER

c: Michael Lawless, Overland Park, KS  
Wade A. Dorothy, Lenexa, KS  
Alvin E. Witwer, Administrative Law Judge  
Philip S. Harness, Director